



U.S. Department of Justice

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April 14, 1992

Clerk of the Court
United States District for the
Southern District of Illinois
Stuart J. O'Hare
U.S. Clerk's Office
301 W. Main Street
Benton, IL 62812
(618) 438-0671

Re: United States v. NL Industries, Inc., et al.
Civ. No. 91-578-JLF
DOJ # 90-11-3-608A

Dear Clerk:

Enclosed for filing is the original and three copies of (1) the United States' Application to file an Oversized Brief, and (2) Certificate of Service. Please file and return a file-stamped copy for my records.

Sincerely,

Assistant Attorney General
Environment & Natural Resources Division

by: Leonard M. Gelman, Esq.
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cc: All Counsel of Record

EPA Region 5 Records Ctr.



258702

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	C.A. No. 91-CV578-JLF
v.)	
)	
NL INDUSTRIES, INC., <u>et al.</u> ,)	
)	
Defendants,)	
)	
and)	
)	
CITY OF GRANITE CITY, ILLINOIS,)	
LAFAYETTE H. HOCHULI, and)	
DANIEL M. McDOWELL)	
)	
Intervenor-Defendants)	
)	

PLAINTIFF UNITED STATES' APPLICATION
TO FILE AN OVERSIZED BRIEF


Plaintiff, the United States, hereby seeks leave to file a brief in excess of 20 pages in length, as required by Local Rule 6, in support of its Motion for a Ruling on the Appropriate Scope and Standard of Review of Agency Action and for a Protective Order Limiting the Scope of Discovery. In its brief, the United States will describe the nature of this action, give a brief background of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA"), 42 U.S.C. § 9607, as amended by the Superfund Amendments and Reauthorization Act of 1986, 100 Stat. 1613 (1986) ("SARA"), address the legal standards governing the scope and standard of review of agency action under both applicable CERCLA provisions and administrative law, the availability of a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure,

and the application of the above provisions and case law to the facts of this case.

In order to provide adequate discussion of these issues, the United States respectfully requests leave to file a brief in excess of 20 pages, but no greater than 37 pages in length.

Submitted this 15th day of April, 1992.

BARRY M. HARTMAN
Acting Assistant Attorney General
Environment and Natural Resources
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